

# ADVISORY COMMUNICATION



**To: Edina City Council**

**Agenda Item #: IX. C.**

**From: Edina Community Health Commission (CHC)**

**Date: April 1, 2014**

**Subject: Electronic Nicotine Delivery Devices (ENDD), e-cigarettes,  
and Vapor Lounges (ENDD related business)**

**Attachments:: None**

**Action Requested: None at this time.**

**Situation: ENDDs, e-cigarettes, and ENDD related business are currently a topic of discussion throughout the State of Minnesota, including within the City of Edina. The CHC is tasked with assessing potential health concerns and impacts (positive and negative) from ENDDs and Vapor Lounges.**

**Background: ENDDs (this includes e-cigarettes that may not deliver nicotine) have become a more prominent consumer nicotine delivery mechanism in the past 5 years. As a result of this, states and cities are now dealing with the complicated issue of weighing the cost/benefit to ENDDs and the potential impact on the community. Some of the more complicated questions relate to, for example, the potential harm from second hand ENDD vapor, ENDDs acting as a bridge to smoking tobacco, ENDD marketing and its relationship to children and youth, and other social and environmental factors that come with permitting ENDD usage in a community.**

**As the Council is aware, it took up the issue of “Vapor Lounges” by passing a one-year moratorium that prohibits such businesses in the City (see Ordinance No. 2013-13).**

**The Edina School Board has banned the use of e-cigarettes on school property (see <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=34591909>).**

**Currently, the State of Minnesota prohibits the sale of nicotine delivery products to a person under the age of 18. See Minn. Stat. 609.6855. The State is also contemplating two bills this legislative session on ENDDs that would prohibit ENDDs in public schools, provide municipal authorization for the regulation of NDDs that is similar to tobacco products and to add ENDDs to the list of products covered by the Minnesota Clean Indoor Act. See [https://www.revisor.mn.gov/bills/text.php?number=HF1931&session=ls88&version=list&session\\_number=0&s](https://www.revisor.mn.gov/bills/text.php?number=HF1931&session=ls88&version=list&session_number=0&s)**



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**The current legislative session ends on May 19, 2014.**

**The Food and Drug Administration is still evaluating the classification of ENDDs, but it appears that the products will not be classified as a drug like smoking cessation products. Therefore, ENDD manufacturers and distributors cannot market their products for this purpose.**

**In the next 5 months, the CHC will be evaluating the following in view of community health:**

- **The impact of State of Minnesota legislation, if any, on the City relative to ENDDs or ENDD related businesses.**
- **Whether the City of Edina should pass ordinances or policies related to ENDDs or ENDD related businesses.**
- **Conducting a harm/benefit analysis on ENDDs. Evaluating information related to second hand ENDD vapor and its potential harm to the public. Evaluating current regulation on the contents of ENDD liquid vials and marketing restrictions/regulations.**
- **Whether the City should restrict the usage of the ENDDs in public and private spaces.**
- **Whether the City should restrict ENDD related businesses within the City in view of initiatives focused on the overall health of the community.**

**Assessment:** Following the current State of Minnesota legislative session, the CHC will be in an improved position to provide recommendations to the City Council on the issues of ENDDs and ENDD related businesses.

**Recommendation:** That the City Council wait for the CHCs recommendation, which is targeted for submission to the Council in July 2014, before taking action on the topics of ENDDs and ENDD related businesses.